

EXHIBIT 1

From: Barton, Ross <Ross.Barton@alston.com>
Sent: Friday, June 28, 2019 4:10 PM
To: Michael M. Rosen; peter@ayersiplaw.com; Verizon Fractus; Richard Frenkel; CommScope_Fractus@carlsoncaspers.com; Bradley Hyde; Eric Findlay; BCraft@findlaycraft.com; Michael Jones
Cc: Michael Ng; FractusEDTex; Elizabeth DeRieux; T. Ward, Jr.; Andrea Fair; Claire Henry
Subject: RE: Fractus v. AT&T: Motion to extend fact/expert discovery to include forthcoming Amphenol information

Follow Up Flag: Flag for follow up
Flag Status: Completed

Michael,

You may indicate to the Court that "Verizon's position is that, given that Amphenol has been ordered by the U.S. District Court for the Southern District of New York to provide certain discovery to Fractus, Verizon does not oppose Fractus's request to extend the deadline to complete fact discovery solely with respect to Amphenol Corporation, but Verizon does oppose the remainder of the proposed Amended Docket Control Order as premature and unworkable in view of the existing schedule in this case."

Best regards,
Ross

Ross Ritter Barton | ALSTON & BIRD LLP
Office: 704-444-1287 | Cell: 704-909-9179

From: Michael.Rosen@kobrekim.com <Michael.Rosen@kobrekim.com>
Sent: Friday, June 28, 2019 12:27 PM
To: peter@ayersiplaw.com; Verizon Fractus <Verizon-Fractus@alston.com>; Richard Frenkel <rick.frenkel@lw.com>; CommScope_Fractus@carlsoncaspers.com; Bradley Hyde <bradley.hyde@lw.com>; Eric Findlay <efindlay@findlaycraft.com>; BCraft@findlaycraft.com; Michael Jones <mikejones@potterminton.com>
Cc: Michael.Ng@kobrekim.com; FractusEDTex@kobrekim.com; Elizabeth DeRieux <ederieux@capshawlaw.com>; T. Ward, Jr. <jw@wsfirm.com>; Andrea Fair <andrea@wsfirm.com>; Claire Henry <claire@wsfirm.com>
Subject: Re: Fractus v. AT&T: Motion to extend fact/expert discovery to include forthcoming Amphenol information

EXTERNAL SENDER – Proceed with caution

Counsel:

Following up on our earlier email requesting your position on Fractus's forthcoming renewed motion to amend the DCO, we want to make one thing clear: we are simply asking whether you will oppose our motion to amend the schedule, not, of course, to approve in advance any supplementation that we may provide in light of the Amphenol discovery. That is why we built into the schedule the opportunity for follow-up Daubert briefing. But per the Court's order, DE 278 at 2 n.1, we need to provide the Court with a full proposed schedule for discovery, report supplementation, depositions, and motions.

Please let us know by 2 PM CT whether Defendants will oppose.

Best,
Mike

Michael M. Rosen
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> On Jun 28, 2019, at 12:20 AM, Michael M. Rosen <Michael.Rosen@kobrekim.com> wrote:

>

> Counsel:

>

> Pursuant to our discussion last night, please find enclosed a draft motion to amend and a draft proposed amended DCO for your review. We plan to get these on file tomorrow (Friday) afternoon, so please let us know no later than 2 PM CT tomorrow (Friday) whether Defendants oppose the motion, whether partially or fully.

>

> Many thanks,

> Mike

>

>

> Michael M. Rosen

> +972 58 554 1243

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> -----Original Message-----

> From: peter@ayersiplaw.com [<mailto:peter@ayersiplaw.com>]

> Sent: Wednesday, June 26, 2019 6:06 PM

> To: Michael M. Rosen <Michael.Rosen@kobrekim.com>; Verizon-Fractus@alston.com; 'Richard Frenkel' <rick.frenkel@lw.com>; CommScope_Fractus@carlsoncaspers.com; 'Bradley Hyde' <bradley.hyde@lw.com>; 'Eric Findlay' <efindlay@findlaycraft.com>; BCraft@findlaycraft.com

> Cc: Michael Ng <Michael.Ng@kobrekim.com>; FractusEDTex@kobrekim.com; 'Elizabeth DeRieux' <ederieux@capshawlaw.com>; 'T. Ward, Jr.' <jw@wsfirm.com>; 'Andrea Fair' <andrea@wsfirm.com>; 'Claire Henry' <claire@wsfirm.com>

> Subject: RE: Fractus v. AT&T: Motion to extend fact/expert discovery to include forthcoming Amphenol information

>

> My apologies for not following this more closely, but are you seeking to extend fact discovery in all three cases or just the Verizon case?

>

> Peter

>

> -----Original Message-----

> From: Michael.Rosen@kobrekim.com <Michael.Rosen@kobrekim.com>

> Sent: Wednesday, June 26, 2019 11:57 AM

> To: Verizon-Fractus@alston.com; Richard Frenkel <rick.frenkel@lw.com>; peter@ayersiplaw.com;

CommScope_Fractus@carlsoncaspers.com; Bradley Hyde <bradley.hyde@lw.com>; Eric Findlay <efindlay@findlaycraft.com>; BCraft@findlaycraft.com

> Cc: Michael.Ng@kobrekim.com; FractusEDTex@kobrekim.com; Elizabeth DeRieux <ederieux@capshawlaw.com>; T. Ward, Jr. <jw@wsfirm.com>; Andrea Fair <andrea@wsfirm.com>; Claire Henry <claire@wsfirm.com>

> Subject: Fractus v. AT&T: Motion to extend fact/expert discovery to include forthcoming Amphenol information

> Dear Counsel:

> We write regarding Dr. Long's supplementation of his expert report to include information produced by Amphenol.

> As you know, Amphenol has been ordered by the Southern District of New York to produce responsive documents and witnesses in the coming weeks. Our understanding is that Amphenol will complete its production of documents by July 3 and its depositions by July 11. We further understand that any product inspections will take place during that timeframe as well. We expect Dr. Long to complete his supplementation of his expert report to include the Amphenol information by July 16. As of now, given the information Fractus expects to receive from Amphenol, we do not believe any further deposition of Dr. Long or supplementation of Verizon's noninfringement report will be necessary, but we can revisit those issues if and when necessary.

> In the interim, we plan to renew our motion to extend the fact discovery deadline to July 11 for the sole purpose of including the Amphenol documents, testimony, and inspection in the scope of discovery and to extend the expert discovery deadline to July 16 for the sole purpose of allowing Dr. Long to supplement his expert report.

> Please let us know promptly if you expect to oppose Fractus's motion. We will be prepared to discuss further on our call today at 2:30 PM CT.

> Best,

> Mike

> Michael M. Rosen

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> <2019 06 26 [DRAFT] Renewed Motion to Amend Docket Control Order(4).docx.attachctrl>

> <2019 06 26 DRAFT Proposed Amended Docket Control Order.docx.attachctrl>

> <3bclean-control.bin.attachctrl>

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